



Ifo/1751

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Vitalij LISSOTSCHENKO et al.

Serial No: **10/505,173**

Group Art Unit: **2873**

Filed : **February 10, 2005**

Examiner: **Jerry Fang**

For : **MODULATION DEVICE**

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In the Office Action of December 20, 2006, the Examiner rejected claims 1 and 9-13 as obvious over U.S. 2003/0086179 (Kowarz et al.) in view of U.S. 5,640,473 (Wheeler et al.). The Examiner stated that Kowarz disclosed all of the limitations of the claims except a first direction, the fast axis, having a greater divergence than in the second direction, the slow axis. The Examiner stated Wheeler discloses a first direction, the fast axis, having a greater divergence than the second direction and concluded it would have been obvious to use the laser characteristics as taught by Wheeler with the optical device of Kowarz since the Examiner alleged such laser characteristics are commonly used in order to enhance the performance of an optical device. The remaining claims were rejected over Kowarz and Wheeler and further in view of various teaching references. These rejections are respectfully traversed.

In the Office Action, the Examiner states that the laser characteristics of diode laser beams are commonly used in order to